

**TOWN OF DAVIE  
REGULAR MEETING  
JUNE 19, 2002  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:02 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Clark, Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. PRESENTATIONS (7:02 p.m. - 7:23 p.m.)**

**3.1. Upcoming Special Events - Dennis Andresky and Bonnie Stafiej**

Parks and Recreation Director Dennis Andresky advised of the upcoming events: registration for tackle football, flag football, flag cheerleading (ongoing); and senior parent appreciation luau (June 21, 2002).

Special Projects Director Bonnie Stafiej advised of the upcoming special events: 5 Star Rodeo (June 22nd); PAL wrestling fundraiser (June 29th); and Independence Day celebration (July 4th).

**3.2 Boys and Girls Club Dollars and Strikes**

Councilmember Paul reported that on June 20th, Boys and Girls Club participants could be sponsored to attend a Florida Marlins baseball game. Proceeds would benefit the Boys and Girls Club of Broward County and the Davie and Florence DeGeorge units of the Boys and Girls Club. She stated there was also a raffle and tickets would be available at the game.

Mayor Venis advised that on June 22, the Boys and Girls Club was presenting championship wrestling at the Florence DeGeorge unit. All proceeds would go to the Boys and Girls Clubs of Davie.

**3.3 Recognition of Davie Police Explorers - Graffiti Busters**

Police Chief John George recognized the Davie Police Explorers for their efforts in the Graffiti Busters Program. He provided certificates of appreciation to Lauren Cottick and Nicole Navicio and presented recognition plaques to Officer Jeffrey Stewart and John Yoder.

**3.4 Recognition of Harmony Village Partners**

Housing and Community Development Director Shirley Taylor-Prakelt recognized various Harmony Village partners for their participation in the revitalization of Harmony Village. She also thanked Public Works/Capital Projects Director Bruce Bernard, Project Manager Cheryl Dolin, and Planner Geri Baluss.

Mayor Venis advised that item 9.8 confirming the Community Redevelopment Agency Chair and Vice-Chair needed to be added to the agenda. Wayne Arnold was nominated as Chair and Joan Kovac was nominated as Vice-Chair.

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Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis indicated that items 7.20, 8.8, and 8.9 needed to be tabled until July 3, 2002.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. MAYOR/COUNCILMEMBER'S COMMENTS**

**MAYOR VENIS** (7:23 p.m. - 7:35 p.m.)

**CONGRATULATIONS.** Mayor Venis congratulated all graduating high school students and wished them well in their future endeavors.

**STATE CHAMPIONSHIP.** Mayor Venis stated that the 10 and under traveling baseball team had won the State championship and congratulated the players and Coach Cole. He stated that the World Series was in two weeks and \$15,000 was needed for this team to participate. Mayor Venis encouraged corporate sponsorship.

**BRIDGE DEDICATIONS.** Mayor Venis spoke of the bridge dedications and thanked Ms. Stafiej, Mr. Arnold, and the Davie Merchants and Industrial Association for their participation in making these events so meaningful.

**CITRUS ERADICATION.** Mayor Venis advised that he had received a letter from the Everglades Mobile Home Park Homeowner's Association regarding this issue. This community was waiting for notification regarding citrus tree removal and monetary compensation and had not received a response. Mayor Venis suggested that the Town help resolve this matter and passed the information on to Mr. Willi.

**58TH AVENUE MITIGATION SITE.** Mayor Venis stated that a new plan was in place and there would be an on-site meeting on June 29th. He indicated that the new plan was more enhanced and felt the residents would be pleased. Mayor Venis added that the developer was willing to augment the site after the initial plan was in place.

**JAMES AUCAMP, SR., BUILDING DEDICATION.** Mayor Venis advised that he had attended the dedication of the Central Broward Drainage Control District Administration Headquarters.

**SOUND WALLS.** Mayor Venis indicated that he had met with Congressman E. Clay Shaw regarding sound walls on the east side of Town.

**FERNCREST SERVICE AREA.** Mayor Venis reported that a meeting was scheduled for June 25th at the Everglade Mobile Home Community regarding the increase in water services. He deferred to Mike Crowley, representative of the Davie Water Environmental Advisory Board, to further address this issue,

Mr. Crowley stated that the Board had taken action on three issues: to support the Everglades Mobile Home Community and the Palma Nova Mobile Home Community in opposing any increases by Ferncrest; to recommend to Council to investigate water rights for the community; and to have staff record minutes of the Board's meetings.

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Councilmember Truex asked why this Board should have a recording secretary if it was agreed that no other would. He felt that if this exception was made it would have to be made for all boards. Mayor Venis felt that if this Board needed assistance temporarily, as Mr. Crowley had indicated, then the service should be provided.

Councilmember Paul indicated that she had spoken with members of other boards and they too felt it was necessary to have a recording secretary. They indicated that it was difficult to take notes and participate in the meeting, and it was also burdensome to transcribe after the fact, especially considering that all board members were volunteers. She suggested that Council revisit this issue.

Councilmember Truex suggested reinstating recording secretaries for all the Boards. Councilmember Starkey suggested having the Board record the meeting, have the designated staff member note action items, and having staff transcribe the recording.

Mr. Willi indicated that when staff was assigned to do minutes, they were not able to keep up and in certain instances, the minutes were transcribed six to eight months after the meetings were held. He suggested that a format be designed that allowed the Boards to take action minutes, a recording machine be provided, and staff would transcribe action minutes only. Mr. Willi felt that the Boards should be somewhat responsible. No action was taken.

**VICE-MAYOR CLARK (7:35 p.m. - 7:42 p.m.)**

**FERNCREST.** Vice-Mayor Clark advised that she had spoken with residents of the Everglades Mobile Home Community and felt the Town should investigate whether or not it could provide services for this area. She thanked the Davie Water and Environmental Advisory Board for their efforts to resolve this matter.

**DISTRICT 1.** Vice-Mayor Clark thanked Council for the changes in this District and the amount of attention it received. She stated that residents were now proud of their community and felt the east side renaissance would benefit the entire Town. She especially thanked the PAL and their efforts.

**CONGRATULATIONS.** Vice-Mayor Clark congratulated her son who would be attending high school next year.

**COUNCILMEMBER TRUEX (7:42 p.m. - 7:49 p.m.)**

**FERNCREST.** Councilmember Truex thanked the Sun Sentinel for their accurate reporting of this issue.

**DAVIE ELEMENTARY.** Councilmember Truex spoke about the overhang issue and complained about the duration that the Broward County School Board had been taking to resolve this issue.

**FLORIDA DEPARTMENT OF TRANSPORTATION.** Councilmember Truex spoke of the meeting with Florida Department of Transportation, Mr. Bernard, and Kathy Cox regarding horse access along Griffin Road during construction. He felt the meeting was positive and the goal was to have full horse access from SR 441 to just west of University Drive.

**AT&T BROADBAND.** Councilmember Truex felt the services were lacking and AT&T was not complying with the contract. He asked that Council look into seeking damages or monetary

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remedies for AT&T. Programs Administrator Chris Kovanes spoke of the bond that was required from AT&T and felt the Town should solicit legal advice on this issue.

**COUNCILMEMBER STARKEY** (7:49 p.m. - 7:52 p.m.)

**AIRPORT ADVISORY TASK FORCE.** Councilmember Starkey spoke of the Task Force meeting on June 19th and indicated that the current proposal did not take into account eminent domain and other issues. There was also discussion regarding this committee being sunsetted by November 2002.

**MEMORIAL SERVICES.** Councilmember Starkey advised that she had attended memorial services for Southwest Ranches Vice-Mayor Johnny Dollar who would be sorely missed.

**HAITIAN DELEGATION.** Councilmember Starkey advised that there were investment opportunities in Haiti for hotel properties.

**FCAT.** Councilmember Starkey congratulated Davie schools for their FCAT scores.

**COUNCILMEMBER PAUL** (7:52 p.m. - 8:07 p.m.)

**FCAT.** Councilmember Paul congratulated Davie Schools for their wonderful scores.

**CONDOLENCES.** Councilmember Paul sent her condolences to Mr. Dollar's family and praised him for the wonderful impact he had on the community.

**BROWARD BEAUTIFUL GRANTS.** Councilmember Paul reported that homeowners associations and residential groups could apply for these grants to enhance landscaping. She wondered if the Town could apply for this grant for communities such as Oak Hill that did not have an association.

**STORAGE PODS.** Councilmember Paul spoke of these storage containers and wanted to see what could be done to regulate the duration of these containers on properties. She felt they were eyesores. Development Services Director Mark Kutney indicated that staff was already looking into this issue.

**EQUESTRIAN SAFEGUARDS.** Councilmember Paul urged equestrians to read the next issue of the Davie Update regarding the large animal disaster plan. She asked that equestrians complete the equine survey so the Town could get a handle on the needs of the equine community in case of a disaster.

**ORANGE DRIVE SIDEWALK AND BRIDGE.** Councilmember Paul spoke of the proposed sidewalk along Orange Drive near Imagination Farms. She stated that residents had concerns about the bridge between Orange Drive and Griffin Road, as it was very dark. Councilmember Paul asked if the Town could place reflectors on the bridge. Mr. Willi advised that the Florida Department of Transportation would not allow the Town to place anything on the bridge and if the Town wanted to place reflectors, it would have to be negotiated.

**CANAL DREDGING.** Councilmember Paul was concerned that the canal dredging would damage trails and trees along Orange Drive. She felt the Town should send a strong letter to the Florida Department of Transportation indicating that the Town would not tolerate any damage to the trees along Orange Drive.

Councilmember Starkey asked how far along Orange Drive the tree survey was done. Mr. Willi indicated that the tree survey was done for the entire Linear Park. Mr. Bernard indicated that more trees were going to be removed, but there would be replacement plantings. The final canopy would be more than what was there prior to the beginning of this project.

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Mayor Venis asked about the shelter at the Davie Elementary School. Mr. Bernard stated that the problem was who was going to do the construction. He stated that the plan was over budget, but this was being worked on.

**5. TOWN ADMINISTRATOR'S COMMENTS (8:07 p.m. - 8:09 p.m.)**

**BETTY BOOTH MEMORIAL PARK.** Mr. Willi advised that he had attended the groundbreaking ceremony and had learned about the history of the eastside of Town.

**GRANTS.** Mr. Willi reported that the Police Department had received a grant for bulletproof vests and the Fire Department had received a grant for a disaster trailer. He stated that the Police Department had also received four new citizen patrol cars.

**HUMAN RESOURCES.** Mr. Willi advised that he had spoken to the Community Relations Advisory Board on the work done with diversity training through the Human Resources Department.

**FLORIDA CITY/COUNTY MANAGERS CONFERENCE.** Mr. Willi spoke of this conference and the credentialing exam which he had taken.

**6. TOWN ATTORNEY'S COMMENTS (8:09 p.m. - 8:16 p.m.)**

**CONGRATULATIONS.** Mr. Kiar congratulated Vice-Mayor Clark and Councilmember Starkey for their children entering high school.

**DEPARTMENT OF AGRICULTURE/CITRUS CANCER.** Mr. Kiar spoke of the Department of Agriculture's acquisition of warrants signed by judges in Broward and Palm Beach Counties. He further stated that the Department of Agriculture was going to appeal Judge Fleet's decision.

**LAWSUIT UPDATE.** Mr. Kiar advised that Covenant House of Florida and Pelican Coast Holdings had filed lawsuits against the Town.

Councilmember Truex asked what the consequences of the lawsuits might be. Mr. Kiar detailed the lawsuits. He advised that he had spoken with legal counsel Mr. Burke and had suggested that Mr. Burke be present to advise Council as to its future course of action.

**7. CONSENT AGENDA (8:16 p.m. - 9:08 p.m.)**

*Minutes*

- 7.1. May 1, 2002 - Regular Meeting
- 7.2. May 6, 2002 - Workshop Meeting
- 7.3. May 7, 2002 - Workshop Meeting

*Resolutions*

- 7.4. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE STATE OF FLORIDA, AGREEMENT NO. 250-040-99-1 FOR SUPPLYING AND INSTALLING TELECOMMUNICATIONS EQUIPMENT FOR THE "POTTER PARK COMMUNITY CENTER AND GYMNASIUM" BUILDING. (Metropark of Florida - \$25,937.56)**

- 7.5. **RECERTIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**

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R-2002-135     REQUESTING THE BROWARD COUNTY PLANNING COUNCIL RECERTIFY  
THE TOWN OF DAVIE FUTURE LAND USE ELEMENT AND FUTURE LAND  
USE PLAN MAP; PROVIDING FOR AN EFFECTIVE DATE.

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- 7.6. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2002-136 ACCEPTING THE PROPOSAL FOR AN INDEPENDENCE DAY FIREWORKS  
DISPLAY AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT  
FOR SUCH SERVICES. (Zambelli Internationale - \$15,000)
- 7.7. **FINANCIAL ADVISORY SERVICES** - A RESOLUTION OF THE TOWN OF  
R-2002-137 DAVIE, FLORIDA, SELECTING THE FIRM OF PUBLIC FINANCIAL  
MANAGEMENT, INC. TO PROVIDE FINANCIAL ADVISORY SERVICES AND  
AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO  
NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 7.8. **ARCHITECTURAL SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2002-138 FLORIDA, SELECTING THE FIRMS OF SYNALOVSKI GUTIERREZ ROMANIK  
ARCHITECTS, INC. AND ACAI ASSOCIATES, INCORPORATED TO PROVIDE  
MISCELLANEOUS ARCHITECTURAL SERVICES AND AUTHORIZING THE  
TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN  
AGREEMENT FOR SUCH SERVICES.
- 7.9. **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2002-139 FLORIDA, ADDING THE CLASS SPECIFICATION FOR LANDSCAPE  
INSPECTOR AND ASSIGNING A PAY GRADE OF 513 (\$34,075 - \$45,664) IN  
THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.
- 7.10. **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2002-140 FLORIDA, REVISING THE CLASS SPECIFICATION OF MAJOR. THE PAY  
GRADE OF 529 (\$59,367 - \$79,557) IN THE NON-REPRESENTED PAY AND  
CLASSIFICATION PLAN REMAINS THE SAME.
- 7.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING  
R-2002-141 THE EXECUTION OF A LONG-TERM, NOMINAL, LEASE AGREEMENT  
WITH THE BOYS AND GIRLS CLUB OF BROWARD FOR DRIFTWOOD  
ESTATES PARK; AND, AUTHORIZING AN EFFECTIVE DATE.
- 7.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING  
R-2002-142 THE EXECUTION OF AN AGREEMENT WITH SCHARF & ASSOCIATES, INC.,  
FOR ARCHITECTURAL SERVICES RELATED TO THE DESIGN OF A NEW  
FACILITY IN DRIFTWOOD ESTATES PARK TO HOUSE THE BOYS AND  
GIRLS CLUB OF BROWARD, INC.; AND, AUTHORIZING AN EFFECTIVE  
DATE.

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- 7.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING  
R-2002-143 THE MAYOR TO EXECUTE AN AGREEMENT WITH HABITAT FOR HUMANITY OF BROWARD INC., FOR THE DEVELOPMENT OF THE TWENTY-TWO (22) SINGLE-FAMILY HOMES CONTEMPLATED IN THE TOWN'S "HARMONY VILLAGE COMMUNITY REDEVELOPMENT/REVITALIZATION PLAN"; AUTHORIZING THE USE OF \$725,000 IN THE TOWN'S STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM (SHIP) GRANT FUNDS FOR THE DEVELOPMENT OF THE INFRASTRUCTURE AND RELATED CONSTRUCTION COSTS; REQUIRING HABITAT FOR HUMANITY OF BROWARD INC., TO TRANSFER THE DEED FOR SUCH INFRASTRUCTURE IMPROVEMENTS BACK TO THE TOWN OF DAVIE ONCE COMPLETE; AUTHORIZING AN EFFECTIVE DATE.
- 7.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2002-144 AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH JENNMAR DIMENSIONAL CONCEPTS, INC., TO LEASE SUITE "D" AT 4700 SW 64TH AVENUE, AUTHORIZING AMENDMENTS TO THE LEASES FOR SUITES "A-1" AND "B"; AND, PROVIDING FOR AN EFFECTIVE DATE.
- 7.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING  
R-2002-145 THE MAYOR TO EXECUTE A CONSORTIUM AGREEMENT FOR THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), ENABLING THE TOWN TO RECEIVE \$123,300+ ANNUALLY IN FEDERAL FUNDS FROM U.S. HUD FOR AFFORDABLE HOUSING INITIATIVES; AND PROVIDING FOR AN EFFECTIVE DATE.
- 7.16. **LAND DONATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2002-146 AUTHORIZING THE DONATION OF THE VACANT 4.2 ACRE SITE ON THE DAVIE ROAD EXTENSION HEREIN DESCRIBED, TO HABITAT FOR HUMANITY OF BROWARD COUNTY, INC., FOR THE DEVELOPMENT OF THE TWENTY-TWO (22) SINGLE-FAMILY HOMES CONTEMPLATED IN THE TOWN'S "HARMONY VILLAGE COMMUNITY REDEVELOPMENT/REVITALIZATION PLAN" FOR THE DRIFTWOOD TARGET AREA; AND, AUTHORIZING THE TRANSFER OF THE FEE SIMPLE TITLE FOR SUCH PROPERTY TO HABITAT FOR HUMANITY OF BROWARD COUNTY, INC.
- 7.17. **SHIP/LHAP BUDGET** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2002-147 APPROVING DAVIE'S BUDGET STRATEGIES AND HOUSING DELIVERY GOALS FOR FY 2002/03 UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM ADMINISTERED UNDER THE BROWARD COUNTY LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 2002-2004; AND PROVIDING FOR AN EFFECTIVE DATE.



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- 7.18. **PURCHASE PRICE LIMITS** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2002-148 FLORIDA, ADOPTING THE AVERAGE PURCHASE PRICE LIMITS FOR THE  
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) GRANT PROGRAM AS  
ESTABLISHED BY THE FLORIDA HOUSING FINANCE CORPORATION  
(FHFC) AND USED BY THE BROWARD COUNTY OFFICE OF HOUSING  
FINANCE (OHF) ; AND, PROVIDING FOR AN EFFECTIVE DATE.
- 7.19. **COLLECTIVE BARGAINING AGREEMENT** - A RESOLUTION OF THE  
R-2002-149 TOWN OF DAVIE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING  
AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FRATERNAL  
ORDER OF POLICE (FOP).
- 7.20. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CITYSCAPE  
SITING & MANAGEMENT, INC. FOR TELECOMMUNICATIONS  
CONSULTING SERVICES. (\$59,355)

Councilmember Paul asked that items 7.2 and 7.4 be removed from the Consent Agenda. Councilmember Truex asked that items 7.9 and 7.10 be removed. Mayor Venis asked that item 7.3 be removed. Councilmember Starkey asked that item 7.5 be removed. Mr. Kiar asked that items 7.11 and 7.16 be removed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve the Consent Agenda without items 7.2, 7.3, 7.4, 7.5, 7.9, 7.10, 7.11, and 7.16. In a voice vote, all voted in favor. (Motion carried, 5-0)

7.2 Councilmember Paul made a motion, seconded by Councilmember Truex, to table until the next meeting so that she could have a copy of the minutes. In a voice vote, all voted in favor. (Motion carried 5-0)

7.3 Mayor Venis wanted clarification on some of his comments from this meeting. Mayor Venis made a motion, seconded by Councilmember Truex, to table until the next meeting when clarifications to his comments could be completed. In a voice vote, all voted in favor. (Motion carried 5-0)

7.4 Councilmember Paul voiced concerns about this product. She wanted to know if Voice Over ID was the best solution for the Town as opposed to the PBX. Information Systems Director Frank Apicella explained that this technology was more appropriate as it was software based. Councilmember Paul was concerned that there could be problems because this system was online and if the network server went down, phone service would be lost. Mr. Apicella agreed that the system would go down, but cell phones were available in case of emergency. He explained that this system gave voice and data functionality to the entire Town. Mr. Apicella stated that this system would give much faster access, which would be helpful with the Town's plan of upgrading the network.

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Councilmember Paul asked how this system would affect 911. Mr. Apicella explained that 911 Dispatch would receive the call from its original location, not from where the system was located.

Mayor Venis and Councilmember Paul stated that they had received contrary information, which indicated that the location of the call would be from Town Hall rather than from a remote site. Jeff Levine, representing MetroPark, assured that the 911 call would identify the original location, not from where the server was located. He further stated that if the server was down, it would not affect telephones; however, if the network was down, the service would be affected. Mr. Levine stated that this system integrated with all traditional systems.

Vice-Mayor Clark asked how long Town wide installation would take. Mr. Levine stated it would take four months. Vice-Mayor Clark asked what caused Mr. Apicella to choose MetroPark over BellSouth. Mr. Apicella stated that the system's capabilities and user-friendly design encouraged him and he felt the program was cost effective. He said that there was an estimated \$60,000 savings over the next five years with this program.

Councilmember Truex expressed his displeasure with this product and price as a result of a bad "piggyback bid." He felt that if this product was going to be implemented Townwide, then BellSouth deserved the opportunity to bid on this product.

Assistant Town Administrator Ken Cohen explained why the Town should put this product into use. He stated that BellSouth's assertion that they were not given an opportunity to make a proposal was not true. Councilmember Truex clarified that BellSouth did not have the opportunity to bid on the Potter Park building because of the piggyback bid. Mr. Cohen stated that had BellSouth bid on Potter Park, they would have offered what they originally offered. Councilmember Truex and Vice-Mayor Clark disagreed. Councilmember Truex indicated that it was not only BellSouth that was cut out of the bidding process. Mr. Cohen stated that staff had met with BellSouth and described what they wanted and BellSouth had disagreed with staff's proposal. He felt that BellSouth did not attempt to meet the needs of the Town. Vice-Mayor Clark clarified that if the bid was put out, BellSouth would have no choice but to comply with the criteria if they wanted to be considered.

Mayor Venis asked if BellSouth had the capability to provide comparable technology to that offered by MetroPark. Mr. Apicella indicated that BellSouth was invited to show how their system worked and they were not able to get the system running after trying it for two hours. MetroPark was able to get their system running within 15 minutes.

Councilmember Starkey asked if MetroPark's references were checked, as she had never heard of this company. Mr. Apicella indicated that references were checked for both companies.

Mr. Bernard clarified that sending this out for bid would delay installation for three months. He stated that some provision would need to be made to provide phone service.

After further discussion, several representatives from BellSouth came forward to discuss their organization's competencies, the merits of their products, and how they could meet the telecommunication needs of the Town.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to deny. In a voice vote, all voted in favor. (Motion carried 5-0)

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7.5 Councilmember Starkey wanted to know what was being recertified. Mr. Kutney explained that recertification was required by Broward County and the goal was to make sure that the Town's map remained consistent with the County's Land Use Map. Councilmember Starkey felt that properties identified for agriculture should be included on the future Land Use Map. Mr. Kutney asked Council for direction to write an amendment to this affect.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.9 and 7.10 Councilmember Truex asked if this had to do with the new contract. Human Resources Director Mark Alan indicated that this was a housekeeping issue that addressed the need for a class specification for a previously budgeted position.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve 7.9 and 7.10. In a voice vote, all voted in favor. (Motion carried 5-0)

7.11 Mr. Kiar indicated that he had reviewed this resolution and found it to be satisfactory. He stated that the document indicated that he had prepared it, which was not the case, and asked that his name be removed.

Vice-Mayor Clark made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.16 Mr. Kiar advised that he had reviewed this resolution and found it to be satisfactory. He made suggestions for the special warranty deed, which included the following: 1) the document must include the name and address of the person who prepared it; and 2) it was not necessary for Habitat for Humanity to sign the document as they were the grantee.

Housing and Community Development Director Shirley Taylor-Prakelt stated that her name would go on the deed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve with the changes. In a voice vote, all voted in favor. (Motion carried 5-0)

**8. PUBLIC HEARINGS (9:08 p.m. - 10:23 p.m.)**

*Ordinances - Second and Final Reading*

- 2002-18 8.1. **ZONING IN PROGRESS EXTENSION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, AND RESTATED IN RESOLUTION NO. 2002-31 AND ORDINANCE NO. 2002-8 FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14TH STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO**

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SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF  
DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting

Michael Cohen, 5500 SW 58 Court, expressed his concern with the development of the zoning in progress. He asked why the deadline was changed from July to October. Mr. Kutney explained that the zoning in progress was not ready and staff needed additional time. He stated that staff was working diligently and regulations had been drafted. He stated that Council would be presented with drafts by July 3rd.

Mr. Cohen asked what the difference was between a "work in progress" and a moratorium. Mr. Kutney explained that a moratorium was a complete stoppage. A zoning in progress was also a stoppage, however, it allowed developers to review changes so that they could act accordingly.

Ernie Cox, representing Southern Homes and Hector Garcia, asked that the zoning in progress not be adopted. He questioned that if it was adopted, could the two projects that were previously submitted by Southern Homes be allowed to continue. Mr. Cox stated that Mr. Garcia had made many attempts to move ahead with his projects, but to no avail.

Councilmember Truex asked what information Mr. Garcia had relied on during the application process. Mr. Cox indicated that Mr. Garcia had met with staff at pre-application meetings and had made submittals prior to the zoning in progress. Staff had directed Mr. Garcia to make changes and assured that his plans would be reviewed, which had not been done.

Mayor Venis closed public hearing.

Mr. Kutney stated that staff had notified applicants that because of the zoning in progress, they would not be able to move forward with the review process. He did not believe that applicants were misguided. Mr. Kutney outlined staff's efforts on the zoning in progress.

Councilmember Paul indicated her past discussions with Bill Laystrom on this issue. She felt that Council was relying on seeing working drafts of the new document and indicated that she was anxiously awaiting review of a draft. Planning and Zoning Manager Fernando Levia promised that a draft would be made available to Council by June 27th.

Council indicated that a workshop might be necessary to discuss and review the drafts. Mr. Kutney suggested that individual meetings be arranged so that Council could get a clearer picture of staff's objectives.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

8.2. **SCRIVENERS ERROR - AN ORDINANCE OF THE TOWN OF DAVIE,**  
2002-19 **FLORIDA, AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES,**  
**CHAPTER 4 - ANIMALS, ARTICLE IV - DOGS, SECTION 4-61, ENTITLED**  
**"DEFINITIONS" TO CORRECT A SCRIVENERS ERROR; PROVIDING FOR**  
**SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

8.3. **SUPPLEMENTAL BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2002 BY PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS TO COVER UNANTICIPATED OR UNBUDGETED EXPENDITURES.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

8.4. **CAPITAL PROJECTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2003-2007.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex indicated that he would not support this ordinance, which included an \$8.5 million Town Hall, and would not support it until after the new firehouses were built.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex, no. (Motion carried 4-1)

*Ordinance - First Reading (Second and Final Reading to be held July 3, 2002)*

8.5. **COST RECOVERY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PROVIDING FOR COST RECOVERY TO REIMBURSE THE TOWN OF DAVIE FOR SPECIAL COSTS INCURRED BY THE TOWN IN THE PROCESSING OF APPLICATIONS FOR DEVELOPMENT PERMITS, CONTAINING PROVISIONS FOR COST RECOVERY ACCOUNTS; PROVIDING FOR IMPLEMENTATION OF THE COST RECOVERY PROGRAM; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 15, 2002)**

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Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mr. Kiar indicated that the backup that was provided to Council was not the backup that was issued by his office on May 31st. He indicated that Council had received the most recent version.

Councilmember Paul felt there was a communication problem with staff. She stated that Council had directed staff to make changes and she did not see the changes in the draft that she read. Councilmember Paul also did not see where the protection for small businesses was included. Mr. Kiar clarified that the May 31st draft was the final draft. He stated that what was provided in the backup was from May 8th and it was incorrect.

Councilmember Starkey asserted that staff's efforts on this ordinance bordered on "insubordination," as they repeatedly had not followed Council's direction. She stated that only the language had been changed, but the spirit of the ordinance had not changed from its original draft.

Mr. Connick outlined what took place at the May 22nd meeting. He stated that staff, Councilmember Starkey, and the Town Attorney's Office were in total agreement, except that Planner Marcie Nolan wanted to change the categories.

Mr. Kutney took exception to Councilmember Starkey's comment regarding staff's insubordination. He indicated that he had reviewed the videotape of the May 15th Council meeting and it was his opinion, and that of Mr. Willi and Mr. Cohen, that the majority of Council had directed staff to prepare a new ordinance that would include special services, recuperation of all costs, and a fast track. The direction also included taking care of the small developer and for staff to meet with Councilmember Starkey to get her input on a new ordinance. Mr. Kutney indicated that Councilmember Starkey disagreed with his interpretation of Council's direction. He advised that staff met with Councilmember Starkey and Messrs. Kiar and Connick for three hours and staff was still not happy with the ordinance.

Mr. Kiar stated that during the meeting, the ordinance was reviewed line by line at the meeting and after three hours, the only concern was that Ms. Nolan wanted to rearrange the categories for special services. Mr. Kutney stated that the characterization was correct; however, Councilmember Starkey asked staff for all concerns and because he did not have them written down, staff was dismissed. Councilmember Starkey stated this was "not true." She reiterated that the ordinance was reviewed line by line.

Mr. Levia stated that during the meeting, he had asked one question and was "shut down" by Mr. Connick. He felt that staff's input was not being solicited at the meeting.

Councilmember Truex seemed to recall Mr. Kutney's recollection of events where Council's direction was for staff to draft a revised ordinance. Councilmember Paul agreed with Councilmember Truex that Council's direction was for staff to draft a revised ordinance.

Vice-Mayor Clark agreed with Councilmember Starkey that staff's efforts were less than adequate. She felt that at the very least, Development Services could have utilized the most recent draft as a basis for an ordinance.

Mayor Venis asked Mr. Kutney if it was Council's direction to work with the current draft and refine it, would staff do it. Mr. Kutney indicated he would if that was Council's

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direction; however, staff would prefer to write a simplified ordinance that covered all of Council's issues. He felt that staff's version would be different in how it addressed smaller developments and recouping all costs. Mr. Kutney felt that Councilmember Starkey did not want the ordinance to change much from its present state.

Councilmember Starkey asked if Mr. Kutney and staff had created a draft during the six months they were "working" on this ordinance. Mr. Kutney indicated that staff had begun to do research, but once the May 24th meeting occurred where they were told to rewrite the "old" ordinance," they were directed by Mr. Willi not to proceed. Councilmember Starkey felt that staff had not worked on the ordinance.

Councilmember Paul asked that this item come back at a future meeting with both staff's version and Mr. Kiar's version as backup.

Councilmember Paul made a motion, seconded by Councilmember Truex, to table until July 10, 2002. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - no; Councilmember Paul - yes; Councilmember Starkey - no; Councilmember Truex - yes. (Motion carried 3-2)

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held July 3, 2002)*

8.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (COUNTY), TO CC, COMMERCE CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-1-02, Higgins-Deni, 10220 State Road 84) *Planning and Zoning Board recommended denial*

Town Clerk Muniz read the ordinance by title.

Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

Nicki Olrich, representing the petitioner, stated that staff had advised her client that the B-3 zoning was a more appropriate zoning category. She stated that her client had no objections to either a B-3 or CC zoning.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex questioned if this item should go back to the Planning and Zoning Board for further review.

Councilmember Starkey indicated that B-2 was also appropriate for this property. Sam Jazayri, also representing the petitioner, felt that B-3 would be the more appropriate zoning for the types of uses he would have at this site.

Mr. Kutney indicated that he could not in good faith say which was a more intensive commercial use between B-2 and B-3. He deferred to Mr. Kiar to answer whether an applicant could amend the classification request at a Council meeting. Mr. Connick felt that the applicant should return to the Planning and Zoning Board for action.

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Councilmember Truex felt it was inappropriate to take action because it was advertised differently than it was being presented.

Councilmember Paul expressed her concern that if the property was rezoned to B-3 and the applicants plan for an office park fell through, an undesirable business use could be put in to place.

Councilmember Paul made a motion, seconded by Councilmember Truex, to withdraw this item and send it back to the Planning and Zoning Board. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

*Quasi Judicial Item*

- 8.7. **VARIANCE** - V 4-1-02, Southern Pools, Inc./Regency at Stonebrook Estates, 12900 Kapok Drive (E) (to reduce the minimum rear yard from 40 feet to 25 feet in order to allow the construction of a screen enclosure and swimming pool)

*Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses. Mr. Levia summarized the staff report.

David Levine, representing the applicant was present and had no comments.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - out of room; Councilmember Truex - yes. (Motion carried 4-0)

*Items to be Tabled*

- 8.8. **STAFF REQUESTING TABLING TO JULY 10, 2002**

ZB 1-1-02 (reconsidered from June 5, 2002)

This item was tabled earlier in the meeting.

- 8.9. **STAFF REQUESTING TABLING TO JULY 10, 2002**

Sale of Property - Southeast corner of State Road 84 and Scarborough Drive

This item was tabled earlier in the meeting.

9. **APPOINTMENTS** (*Pursuant to Ordinance 2002-9, all appointments are to be registered voters unless the person is a minor or a legal resident alien*) (10:23 p.m. - 10:26 p.m.)

- 9.1. Child Safety Board (one exclusive appointment - Councilmember Starkey; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Starkey deferred her appointment.

- 9.2. Community Relations Advisory Boards (one exclusive appointment - Councilmember Truex; terms expire April 2004)



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Councilmember Truex appointed Donnell Johnson, Jr.

- 9.3. School Advisory Board (one exclusive appointment - Councilmember Truex; term expires April 2004) (insofar as possible, members are to have experience in educational matters)

Councilmember Truex deferred his appointment.

- 9.4. Davie Water and Environmental Advisory Board (one exclusive appointment - Councilmember Truex; terms expire April 2004) (insofar as possible, one member shall be a licensed engineer)

Councilmember Truex appointed Daniel Lavrich. Mayor Venis indicated that Paul Saranesi was interested in being on this Board and Town Clerk Muniz noted it for future reference.

- 9.5. Open Space Advisory Committee Agency (one exclusive appointment - Councilmember Starkey; term expires April 2004)

Councilmember Starkey deferred her appointment.

- 9.6. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmembers Starkey and Truex; terms expire April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Starkey appointed Jason Chamberlain. Councilmember Truex deferred his appointment.

- 9.7. Fire Employees' Pension Board (one non-exclusive appointment of legal resident; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (term expires December 2003)

This item was deferred.

**10. OLD BUSINESS**

There was no new business to discuss.

**11. NEW BUSINESS (10:26 p.m. - 11:27 p.m.)**

- 11.1. Refund of Fire Extinguishers Costs for Nova North - Fire Department

Mr. Kiar read a statement that was written and sent on June 12, 2002, indicating that the Town had no obligation to reimburse these costs to Nova North.

Mayor Venis asked what information was given to the residents that caused them to believe they should be reimbursed for costs. He also stated that residents went to a hearing regarding this issue. Mr. Willi clarified that there was no hearing as the hearing was cancelled because staff learned that the Code was about to change and there was no violation.

Mr. Kiar indicated that Nova North Condominium did not go to a hearing, but Valencia Village did. He stated that the bills dated back to 1996.

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Fire Chief Don DiPetrillo indicated that there were two separate cases and explained that the Fire Department was compelled to look at townhomes as apartments. He stated that within the last year, it was agreed that townhomes were exempt because they had characteristics of single-family homes. The Code changed and Nova North was now exempt from having fire extinguishers.

Councilmember Truex asked what the dollar amount was. Mr. Kiar indicated that the costs were \$2,468.98, however, Nova North was asking for triple damages. Mr. Connick stated that this reimbursement was not for public purpose and would be inappropriate.

11.2. Town Administrator's Evaluation

Mr. Willi outlined his progress with the six goals set by Council and reviewed various projects that were in progress and completed.

Mayor Venis believed that departments seemed to be working together better and used the example of the tracking system as a model for how changes were being made for the better.

Councilmember Paul felt that communication had improved 100% and was thrilled with the tracking system and the strategic planning efforts. She was also pleased with the new hires. Councilmember Paul felt the Town was moving in the right direction.

Vice-Mayor Clark felt Mr. Willi was meeting his goals and she was pleased with his progress.

Councilmember Truex felt the Town was operating well, but he felt the residents needed to receive more services with less taxes. He stated that as long as public safety was properly addressed, he would be happy. Councilmember Truex also did not want additional delays on the zoning in progress. Mr. Willi advised that a zero growth budget would be presented to Council this year.

Councilmember Starkey felt that Mr. Willi had made a tremendous improvement; however, she felt that improvement with employees and telephone attentiveness could be improved. She thought the tracking system could be improved by providing automatic responses to residents. Mr. Willi stated that the system provided automatic responses.

Councilmember Starkey was pleased with the increase in diversity amongst new hires. She felt the telephone system could be improved for purposes of customer service. Councilmember Starkey indicated that she would also like to see better communication between staff and herself regarding issues in her district. She was disappointed with the follow-up and follow-through on the wetland grant and wanted responses to her inquiries regarding the land acquisition board. Councilmember Starkey hoped that Council and staff could work more as a team.

Councilmember Starkey thanked Mr. Willi for his efforts. She asked that the Human Resources Department create an evaluation tool for the Town Administrator.

Mr. Willi recommended that he return to Council within a month with a new set of goals.

Mr. Willi asked Council to acknowledge his hard work by addressing the fact that he had not received a pay-raise in two years. Councilmember Truex clarified that Mr. Willi had received a cost-of-living increase. Mr. Willi stated that all employees received this and asked for a 5% increase. He stated that comparable positions earned approximately \$20,000 more in other

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municipalities. Councilmember Paul recommended that this issue be addressed at the next meeting.

Councilmember Starkey stated that she was not in favor of a raise. Councilmember Paul stated that she would like to see the improvements become standard before she made this decision. Mayor Venis felt that Mr. Willi deserved a raise.

Vice-Mayor Clark made a motion, seconded by Mayor Venis, to give Mr. Willi a 5% raise. In a voice vote, with Councilmembers Starkey and Truex dissenting, all voted in favor. (Motion carried 3-2)

**12. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 11:27 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk